

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ariana Thomas	Team: Squad #16	CCRB Case #: 202203473	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 05/28/2022 11:30 AM	Location of Incident: § 87(2)(b)	18 Mo. SOL 11/28/2023	Precinct: 23		
Date/Time CV Reported Mon, 05/30/2022 12:19 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 05/30/2022 12:19 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Gabriel Leal	25034	969891	023 PCT
2. PO Azizjon Saidmurodov	06692	970832	023 PCT
3. SGT Daniel Cody	02277	954648	023 PCT
4. An officer			

Officer(s)	Allegation	Investigator Recommendation
A. PO Gabriel Leal	Discourtesy: Police Officer Gabriel Leal spoke discourteously to § 87(2)(b)	§ 87(2)(g), § 87(4-b)
B. PO Gabriel Leal	Abuse: Police Officer Gabriel Leal threatened to damage § 87(2)(b) property.	§ 87(2)(g), § 87(4-b)
C. PO Azizjon Saidmurodov	Abuse: Police Officer Azizjon Saidmurodov threatened to damage § 87(2)(b) property.	§ 87(2)(g), § 87(4-b)
D. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	§ 87(2)(g), § 87(4-b)
E. SGT Daniel Cody	Abuse: Sergeant Daniel Cody entered § 87(2)(b) in Manhattan.	§ 87(2)(g), § 87(4-b)
F. PO Gabriel Leal	Abuse: Police Officer Gabriel Leal entered § 87(2)(b) in Manhattan.	§ 87(2)(g), § 87(4-b)
G. PO Azizjon Saidmurodov	Abuse: Police Officer Azizjon Saidmurodov entered § 87(2)(b) in Manhattan.	§ 87(2)(g), § 87(4-b)
H. SGT Daniel Cody	Abuse: Sergeant Daniel Cody searched § 87(2)(b) in Manhattan.	§ 87(2)(g), § 87(4-b)
I. SGT Daniel Cody	Abuse: Sergeant Daniel Cody failed to provide § 87(2)(b) with a business card.	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(g), § 87(4-b)

## Case Summary

On May 30, 2022, § 87(2)(b) filed this complaint via the CCRB's call processing system.

On May 28, 2022, at approximately 11:30 a.m., Police Officer Gabriel Leal and Police Officer Azizjon Saidmurodov, both of the 23<sup>rd</sup> Precinct, responded to a 911 call of a domestic dispute at § 87(2)(b) in Manhattan, where § 87(2)(b) resides. § 87(2)(b) spoke to officers at his apartment for a few minutes and then closed the door, at which point PO Leal allegedly said, “Open the fucking door,” and, “I’m going to bust through the fucking door,” and PO Saidmurodov said, “If you close the door, we are going to break it open” (**Allegation A: Discourtesy**, § 87(2)(g) (**Allegation B: Abuse of Authority**, § 87(2)(g) (**Allegation C: Abuse of Authority**, § 87(2)(g) § 87(2)(b) opened the door and walked further into his apartment to grab a shirt, when an officer allegedly said, “Don’t fucking go, stay here” (**Allegation D: Discourtesy**, § 87(2)(g) PO Leal, Sergeant Daniel Cody, of the 23<sup>rd</sup> Precinct, and PO Saidmurodov entered § 87(2)(b) apartment (**Allegations E-F: Abuse of Authority**, § 87(2)(g) (**Allegation G: Abuse of Authority**, § 87(2)(g) § 87(2)(g) Sgt. Cody searched § 87(2)(b) apartment and failed to provide him with a business card (**Allegations H-I: Abuse of Authority**, § 87(2)(g) § 87(2)(g), § 87(4-b)

Body-worn camera (“BWC”) footage was obtained from the NYPD Legal Bureau (**Board Review 01-09**). Cellphone video, taken by § 87(2)(b) was provided via email by § 87(2)(b) (**Board Review 10**). There is no other video evidence in this case.

## **Findings and Recommendations**

**Allegation (A) Discourtesy: Police Officer Gabriel Leal spoke discourteously to § 87(2)(b)**

**Allegation (B) Abuse of Authority: Police Officer Gabriel Leal threatened to damage § 87(2)(b)**

**§ 87(2)(b) property.**

**Allegation (C) Abuse of Authority: Police Officer Azizjon Saidmurodov threatened to damage § 87(2)(b)**

**§ 87(2)(b) property.**

§ 87(2)(b) testified that as he was cleaning his apartment, his doorbell rang (**Board Review 11**). He opened his apartment door a few inches, and saw PO Leal and PO Saidmurodov, identified via the investigation. PO Leal repeatedly ordered § 87(2)(b) to step outside. § 87(2)(b) asked why and said he refused to do so. PO Leal ordered § 87(2)(b) to produce his ID. § 87(2)(b) said he would not do so until the officers told him why they were there. PO Leal asked § 87(2)(b) “Who’s inside?” and “Who’s here?” § 87(2)(b) said he was alone. PO Leal said, “Somebody is there.” § 87(2)(b) said he was alone. PO Leal ordered § 87(2)(b) to step outside again, and § 87(2)(b) asked him why, said no one was home, that no one called police, and that he did not know what was going on. PO Leal said he was going to come inside. § 87(2)(b) said he could not do so without a warrant. § 87(2)(b) asked PO Leal to leave. PO Leal said someone called regarding domestic violence but did not provide any more details about the call or who made it. § 87(2)(b) denied being involved in any domestic violence incident). § 87(2)(b) said if someone called, PO Leal should instead go speak to that person. PO Leal asked § 87(2)(b) if he could come inside. § 87(2)(b) said no and told him to leave. After speaking to PO Leal for a total of two to three minutes, § 87(2)(b) said, “Okay, bye, have a nice day,” moved his head into his apartment, and began to push the door closed before he could move his right knee out of the doorframe. PO Leal immediately pushed the door forward, ordered § 87(2)(b) to, “Open the fucking door,” and said, “I’m going to bust through the fucking door.” § 87(2)(b) heard many officers ordering him to open the door. § 87(2)(b) attempted to close the door, but § 87(2)(b) knee was in between the door and frame as he pushed it. PO Leal then attempted to push the door open in the opposite direction. After approximately 30 to 40 seconds, § 87(2)(b) stopped pushing the door closed.

The 911 call audio (**Board Review 12**) revealed that § 87(2)(b) called 911 at 11:00 a.m. and reported a domestic violence dispute at § 87(2)(b) in Manhattan. She stated that she was being harassed by her ex, § 87(2)(b) who she let drive her car. § 87(2)(b) stated that she went to speak with § 87(2)(b) regarding the car, and that he struck her across the face and shoved her into the door. She stated that she was staying with a friend and was not currently in the apartment with § 87(2)(b). She said there were no weapons and that she did not need an ambulance. She stated that she was across the street from § 87(2)(b) and would speak to police there but refused to go back to the apartment. EVENT documents (**Board Review 13**) and police radio communications (**Board Review 14**) revealed that officers were informed that there was a family dispute at the location, which was “sensitive,” via radio transmission.

In PO Leal’s BWC footage (**Board Review 01**), at 02:55, PO Leal knocks on the door to Apartment § 87(2)(b). § 87(2)(b) opens the door slightly, such that his head, torso, and left hand are visible between the door and the frame. PO Saidmurodov asks § 87(2)(b) if he is home alone, and if his girlfriend is home. He says he is home alone and that his girlfriend is not home. PO Leal asks if they had an argument. § 87(2)(b) says no. At 03:33, PO Leal asks § 87(2)(b) for his name. He says § 87(2)(b) and asks what happened. PO Leal says they got a call that there was a fight happening. § 87(2)(b) says no one is there and that he does not know what is going on. At 03:50, PO Saidmurodov asks § 87(2)(b) for his girlfriend’s phone number and PO Leal asks where she went. § 87(2)(b) says she went to a house in Upstate New York and that there was no fight. At 04:00, PO Leal asks § 87(2)(b) to step outside and talk to them. § 87(2)(b) says he is already talking. PO Leal asks him again. § 87(2)(b) says officers called him yesterday. At 05:04, PO Leal tells § 87(2)(b) that they got a call and that he needs § 87(2)(b) to step outside and show his hands. § 87(2)(b) says no, that he has no shirt on, and asks who called. PO Leal orders him to step outside. § 87(2)(b) says that he does not want to deal with the officers and that his girlfriend left. PO Leal asks when she left. At 05:48, § 87(2)(b) shuts his door. PO Leal holds the handle. No part of § 87(2)(b) body is between the door and the frame. PO Saidmurodov says, “If you close the door, we are going to break it open.” PO Leal tells § 87(2)(b) to relax and to not slam the door. At 06:13, § 87(2)(b) opens the door and PO Leal asks him to step outside. § 87(2)(b) says no one is there and remains inside the apartment.

PO Leal’s statement was generally consistent with the BWC footage (**Board Review 15**). He testified that § 87(2)(b) slammed the door on the officers, so he turned the knob and pushed against the door to keep it from fully closing. At no point was any part of § 87(2)(b) body in the doorway. PO Leal denied pushing § 87(2)(b) knee nor any part of § 87(2)(b) body in between the doorframe. He denied telling § 87(2)(b) to open the “Fucking door,” telling § 87(2)(b) “I’m going to bust through the fucking door,” or using any profanity towards § 87(2)(b).

§ 87(2)(g)

Though § 87(2)(b) alleged that PO Leal ordered him to, “Open the fucking door,” and said, “I’m going to bust through the fucking door,” the BWC footage confirms that PO Leal did not do so. § 87(2)(b) The BWC footage does, however, capture PO Saidmurodov telling § 87(2)(b) “If you close the door, we are going to break it open.” § 87(2)(g)

**Allegation (D) Discourtesy: An officer spoke discourteously to § 87(2)(b)**

**Allegation (E) Abuse of Authority: Sergeant Daniel Cody entered § 87(2)(b)**

**§ 87(2)(b) in Manhattan.**

**Allegation (F) Abuse of Authority: Police Officer Gabriel Leal entered § 87(2)(b)**

**§ 87(2)(b) in Manhattan.**

**Allegation (G) Abuse of Authority: Police Officer Azizjon Saidmurodov entered § 87(2)(b)**

**§ 87(2)(b) in Manhattan.**

**Allegation (H) Abuse of Authority: Sergeant Daniel Cody searched § 87(2)(b)**

**§ 87(2)(b) in Manhattan.**

Prior to this incident, on May 22, 2022, § 87(2)(b) and § 87(2)(b) became engaged in a verbal argument on the sidewalk at 106<sup>th</sup> Street and 5<sup>th</sup> Avenue in Manhattan, in which § 87(2)(b) screamed at § 87(2)(b) and hit him with a dog leash across his chest. § 87(2)(b) called 911 and Sgt. Cody responded to the incident and § 87(2)(b) informed the officers that she was staying with a friend at § 87(2)(b) and provided her phone number. No one was arrested as a result of that incident. § 87(2)(b) testified that on May 28, 2022, without asking to come inside, PO Leal, Sgt. Cody, and PO Saidmurodov walked inside his apartment through the open door and stood near the doorway. Sgt. Cody said he recognized § 87(2)(b) and asked, "Can I come inside?" § 87(2)(b) said, "Dude, you already are inside." From the living room, § 87(2)(b) who was wearing a tank top, walked towards the dining room to grab a t-shirt, which was on a chair. As he did so, he heard an officer he did not see, shout, "Don't fucking go, stay here." § 87(2)(b) said he was getting a shirt to put on and grabbed the shirt from the chair. Sgt. Cody and PO Leal both asked, at separate times, who else was home. § 87(2)(b) repeated that no one else was home, and he led the officers around the apartment to prove it. § 87(2)(b) led the officers to his bedroom, where he moved a blanket on the bed and opened the closet, saying, "See no one is here." He walked the officers to the office, where he opened another closet, to the laundry room, bathroom, and kitchen, where he opened the refrigerator and reiterated that no one else was in the apartment. The officers never asked to search the apartment and did not open anything or go anywhere on their own once inside. Sgt. Cody, PO Leal, and PO Saidmurodov walked back to the doorway of the apartment, where they started making phone calls and going over their radios, though § 87(2)(b) did not know what they were saying. § 87(2)(b) sat down on his couch and recorded a video (**Board Review 10**), which is consistent with the BWC footage.

The EVENT documents (**Board Review 13**) note that § 87(2)(b) was not at the apartment currently but was across the street at her friend's house. The police radio communications (**Board Review 14**) revealed that the officers were informed that there was a family dispute at the location, which was "sensitive," via radio transmission. Dispatch never informed the officers of § 87(2)(b) location.

In PO Saidmurodov's BWC footage (**Board Review 02**), at 06:30, PO Leal holds § 87(2)(b) apartment door open with his left arm and orders § 87(2)(b) to step outside. § 87(2)(b) says no one is there. At 07:00, PO Leal says that someone called 911, which is why they are there. At 07:35, § 87(2)(b) says he is going to put his shirt on and walks further into the apartment. PO Leal says, "Wait, wait, wait," as he and Sgt. Cody enter the apartment. Sgt. Cody says that the officers got a 911 call and asks if § 87(2)(b) got into an argument. § 87(2)(b) says he did not get in an argument with anyone, he came home at 3:00 a.m. and awoke to officers knocking on his door. He says officers repeatedly asked if anyone else was home and he said no. At 08:35, Sgt. Cody says that they got a 911 call that someone was in trouble in the apartment moments before they arrived. At 08:50, § 87(2)(b) says that § 87(2)(b) left on Sunday and is not there. Sgt. Cody says § 87(2)(b) slammed the door on the officers and they did not know if she was in the apartment in distress. At 09:36, Sgt. Cody asks, "Who else is home?" § 87(2)(b) says it is just him. Sgt. Cody asks, "Would you be kind

enough for us to just take a look around?” At 09:43, PO Saidmurodov enters the apartment, as § 87(2)(b) says, “Come on” and leads the officers towards the bedrooms. At 09:50, § 87(2)(b) opens two closets and a bathroom door, showing the officers that no one else is home. At 10:20, the officers return to the front of the apartment and Sgt. Cody says the officers want to get § 87(2)(b) story. At 10:45, Sgt. Cody asks if § 87(2)(b) stays elsewhere. § 87(2)(b) says she does. At 11:30, the officers go over their radios, asking where the § 87(2)(b) is. Sgt. Cody looks at the ICAD on his phone. Via radio transmission, the dispatcher says that the § 87(2)(b) is at § 87(2)(b) Sgt. Cody says, “So right here basically. 109 and 5<sup>th</sup>.” At 13:12, Sgt. Cody says that when § 87(2)(b) called 911 last week, he told officers § 87(2)(b) was staying at her friend’s apartment and asks § 87(2)(b) where that apartment is. He says he does not know. At 13:28, Sgt. Cody leaves a voicemail for § 87(2)(b) At 15:31, Sgt. Cody says they will check the § 87(2)(b) site to be cautious and the officers exit the apartment.

Sgt. Cody’s statement was generally consistent with the BWC footage (**Board Review 17**). He testified that a week or two before this incident, he interacted with § 87(2)(b) when § 87(2)(b) identified via the investigation, assaulted him. From his previous interactions with § 87(2)(b) he never learned that § 87(2)(b) lived elsewhere, but knew that there were domestic violence issues both ways between § 87(2)(b) and § 87(2)(b). On May 28, 2022, Sgt. Cody did not have any indication of where § 87(2)(b) was. He tried to call her at the phone number that she called 911 for approximately 10 minutes to no response and was concerned that she was inside the apartment since he could not reach her. Sgt. Cody did not have any specific indication that § 87(2)(b) was or was not inside the apartment. He did not remember the circumstances surrounding his entry into the apartment or if he asked § 87(2)(b) for permission to enter. Sgt. Cody entered the apartment to ensure that no injured person was inside. He had indication that § 87(2)(b) was injured based on the 911 call, in which reported that she was slapped in the face and shoulder. Besides information from the 911 call, Sgt. Cody did not have any other reason to believe that anyone inside the apartment was in danger. Once inside the apartment, Sgt. Cody asked to look around the apartment to ensure that § 87(2)(b) was not cowering in a bedroom, that there was not a trail of blood in the kitchen, or something concerning. When he asked to look around, Sgt. Cody did not have any indication that § 87(2)(b) was in danger or that she was inside the apartment. Sgt. Cody never informed § 87(2)(b) that he could have refused consent. § 87(2)(b) could not have refused because there was an “exigent emergency circumstance,” in that, according to the 911 call, § 87(2)(b) assaulted § 87(2)(b). Sgt. Cody had to look around the apartment to ensure that she was not in distress inside. Additionally, the fact that Sgt. Cody could not find § 87(2)(b) and did not know if she was in distress in the apartment made it an exigent circumstance. Sgt. Cody did not prepare a consent to search form regarding this incident because it was not a “consent to search situation,” as there was an emergency and exigent circumstance exception. § 87(2)(b) led Sgt. Cody into the bedroom in the apartment and that is the only place he visually looked around. Everything seemed fine, as there was no victim or anything out of the ordinary. When presented with his own BWC footage (**Board Review 04**), Sgt. Cody said that § 87(2)(b) was walking off, so the officers entered to continue their investigation and talk to him. Sgt. Cody did not ask for permission to enter the apartment but did not remember why he did not do so. § 87(2)(b) walking off presented a safety concern because Sgt. Cody wanted to keep his eyes on him, which he could not do when he walked further into the apartment. When presented with EVENT documents, (**Board Review 13**), where the EVENT reads, at 11:04, “FC is not at the APT right now—she is across the street at her friend’s house,” Sgt. Cody did not remember if he was aware of that at the time of the incident. He said that he did not go inside the apartment until 20 minutes after 11:04, and during that time, § 87(2)(b) could have gone back into the apartment. If he had known that she was elsewhere and safe, he would not have had to go inside the apartment. Even knowing the details of the EVENT, that § 87(2)(b) was not in the apartment, Sgt. Cody still would have had to check the apartment and would not have changed anything he did because something could have happened to § 87(2)(b).

in 20 minutes.

PO Leal's statement was generally consistent with the BWC footage and Sgt. Cody's statement (**Board Review**). He testified that he entered § 87(2)(b) apartment for a wellness check to ensure that no one in the apartment was hurt, dead, or injured. The fact that the job came over as a current domestic violence issue, and that § 87(2)(b) struck and pushed § 87(2)(b) identified via the investigation, made PO Leal believe that she might be in danger inside the apartment. PO Leal believed that before the officers went to the apartment PO Saidmurodov informed him that § 87(2)(b) and § 87(2)(b) had a history of domestic violence. Specifically, he was aware that Sgt. Cody was present for an incident involving § 87(2)(b) and § 87(2)(b) who were fighting with each other, and one party was arrested. During his CCRB interview, when presented with EVENT documents (**Board Review 13**), PO Leal said he was never aware that § 87(2)(b) was not inside the apartment. He would have had access to the ICAD, but he was dealing with § 87(2)(b) and going off information transmitted via the radio. When presented with PO Saidmurodov's BWC footage (**Board Review 02**), PO Leal remembered that § 87(2)(b) began to walk away from the officers and out of his line of sight. He did not know what § 87(2)(b) was going for, so he stepped inside his apartment to ensure that § 87(2)(b) was not coming back with a knife or gun. The fact that § 87(2)(b) was not opening the door fully, that he refused to come outside, that one of his hands remained behind the door, and that he tried to slam the door shut all suggested to PO Leal that someone might have been in danger inside the apartment.

Sgt. Cody and PO Leal consistently denied saying, "Don't fucking go," to § 87(2)(b) or hearing any officer do so.

§ 87(2)(g)

Warrantless entries into private dwellings are presumptively unreasonable unless the occupants of the dwelling provide consent, or the officers prove exigent, or emergency, circumstances necessitated their entry. Payton v. New York, 445 U.S. 573 (1979) (**Board Review 18**). The emergency exception to the warrant requirement permits officers to enter a protected space when they have reasonable grounds to believe an emergency is at hand and there is an immediate need for their assistance to protect life or property. The entry must not be primarily motivated by the intent to arrest and seize evidence, and there must be a reasonable basis to associate the emergency with the area or place to be searched. People v. Rodriguez, 77 A.D.3d 280 (2016) (**Board Review 19**).

The BWC footage confirms that neither PO Leal nor Sgt. Cody requested consent from § 87(2)(b) prior to their entry into his apartment. Sgt. Cody and PO Leal consistently testified that they entered § 87(2)(b) apartment to ensure that no injured person was inside the apartment. Although both officers cited the 911 call as the source of their indication that someone might be injured inside the apartment, the radio communications reveal that officers were solely informed that there was a family dispute at a "sensitive" location. Furthermore, the EVENT documents confirm that there were no reported weapons or injuries. Though upon his review of BWC footage, PO Leal said that he initially entered the apartment to ensure that § 87(2)(b) would not return with a weapon, the BWC footage captures § 87(2)(b) clearly telling the officers that he is going to grab a shirt. Additionally, PO Leal did not articulate any reason why he believed § 87(2)(b) would retrieve a weapon and PO Leal did not issue § 87(2)(b) any verbal commands not to walk further into his apartment prior to his entry. Though PO Leal testified that he was never aware that § 87(2)(b) was outside of the apartment and Sgt. Cody did not recall if she was, PO Leal acknowledged that the ICAD, with this information, would have been accessible to him on his department phone. Furthermore, the BWC footage captures Sgt. Cody, after entering the apartment and asking § 87(2)(b)

§ 87(2)(b) to lead the officers around, looking at the ICAD on his department phone and trying to determine where the caller was. Given the above, the investigation determined that the ICAD would have been readily accessible to the officers, which clearly stated that § 87(2)(b) was not at the apartment, there were no weapons used, and § 87(2)(b) was not injured. Moreover, Sgt. Cody testified that while he was outside the apartment, prior to entering, he did not observe any additional factors that led him to believe there was an emergency at hand, which is corroborated by BWC footage. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Though § 87(2)(b) alleged that an officer told him, “Don’t fucking go,” as he walked further into his apartment, the BWC footage confirms at no point did any officer ever make this statement nor use any profanity towards § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

Under the Fourth Amendment of the U.S. Constitution and Article I, §12 of the New York Constitution, officers may not search areas over which civilians maintain a reasonable expectation of privacy unless the civilians provide consent, or the officers prove exigent, or emergency circumstances necessitated their search. Payton v. New York, 445 U.S. 573 (1979) (**Board Review 18**).

When an officer is seeking consent to search a person, vehicle, or home, §14-173 of the NYC Administrative Code requires that the officer (**Board Review 20**): (a)(1)—articulate, using plain and simple language delivered in a non-threatening manner, that the person who is the subject of the search is being asked to voluntarily, knowingly, and intelligently consent to the search, and explaining that the search will not be conducted if the person refuses to consent to the search; (b)(2)—Regardless of the officer having a BWC, the officer must properly document the time, location, and date of the search and the apparent race/ethnicity, gender, age of the person who was the subject of the search and the officer’s name, precinct, and shield number.

Sgt. Cody testified that he did not inform § 87(2)(b) that if he refused to consent to the officers looking around his apartment, they would not do so, and that he did not prepare a consent to search form or otherwise document the consent. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) As Sgt. Cody requested consent to look around § 87(2)(b) apartment, he was required, under the Administrative Code, to inform § 87(2)(b) that his consent was voluntary and that the officers would not conduct their search if he refused consent. § 87(2)(g)

§ 87(2)(b)

**Allegation (I) Abuse of Authority: Sergeant Daniel Cody failed to provide § 87(2)(b) with a business card.**

§ 87(2)(b) testified that after approximately 20 minutes of being inside the apartment, the officers left without offering § 87(2)(b) their business cards.

Sgt. Cody testified that he did not offer § 87(2)(b) his business card because he did not think that he had to, and § 87(2)(b) did not ask for one. He said officers are required to do so when they request

consent to search or if a civilian asks for one, but this situation was not a consent to search based on the exigent circumstances and emergency.

Officers are required to offer a business card upon the conclusion of law enforcement activities, including home searches, except in cases when a summons is issued, or an arrest is made. NYPD Administrative Guide, Procedure 304-11 (**Board Review 21**).

As discussed above, Sgt. Cody searched § 87(2)(b) apartment to verify that § 87(2)(b) was not there. Despite Sgt. Cody's statement that he did not provide his business card because § 87(2)(b) did not ask for one and this was not a "consent to search" situation, the Administrative Guide requires that officers provide their respective business cards at the conclusion of a home search § 87(2)(g)

§ 87(2)(g), § 87(4-b)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 22**).
- Sgt. Cody has been a member of service for nine years and has been a subject in three CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)
- PO Leal has been a member of service for two years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)
- § 87(2)(g)

#### **Mediation, Civil, and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- As of November 11, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (**Board Review 23**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 16

Investigator:	Ariana Thomas	Inv. Ariana Thomas	02/22/2023
	Signature	Print Title & Name	Date

Squad Leader:	Patrick Yu	IM Patrick Yu	02/24/2023
	Signature	Print Title & Name	Date

**CCRB Case # 202203473**



Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date